


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY  D.C.  
05 MAY -4 AM 11:07

ROBERT B. STROLO  
CLERK, U.S. DIST. CT.  
W.D. OF TN, MEMPHIS

MARK CHRISTOPHER OBERT and  
LESLEY OBERT,

Plaintiffs,

v.

Civil Docket No. 03-2135 DV

THE PYRAMID, CITY OF MEMPHIS,  
SHELBY COUNTY GOVERNMENT,  
PUBLIC BUILDING AUTHORITY OF  
MEMPHIS AND SHELBY COUNTY,  
MEMPHIS POLICE DEPARTMENT,  
LEISURE MANAGEMENT INTERNATIONAL  
D/B/A LMI/HHI, LTD. and SPECTACOR  
MANAGEMENT GROUP D/B/A/ SMG,

Defendants.

**ORDER ON SCHEDULING CONFERENCE  
HELD APRIL 25, 2005**

A Scheduling Conference was held on April 25, 2005 pursuant to the SMG Motion for Rule 26(a) Conference and this Court's Order of March 23, 2005. The Conference was held before Judge Bernice B. Donald and counsel for all the parties were present.

Generally discussed were the various motions still pending in this cause and the need to resolve those motions. The discussion included a discussion of SMG's Motion filed February 3, 2005 in opposition to the Plaintiffs' Motion to file Third Amended Complaint and Motion to Reconsider the Order of January 26, 2005. Counsel for SMG pointing out to the Court that if the Third Amended Complaint is allowed to stand, then

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SMG will need additional discovery and perhaps it will be necessary to identify expert witnesses. Counsel for SMG made the point that with the addition of the common law negligence count contained in the Third Amended Complaint, the Court should reconsider deferring the matter to the Tennessee state court proceeding.

Also discussed was the Motion by the Plaintiffs to amend the previous Scheduling Order so as to allow the Plaintiffs to take the deposition of a 30(b)(6) representative of Shelby County and to take the depositions of two Memphis police officers, Sgt. Acred and J. Jordan.

Also discussed was the pending Motion for Summary Judgment filed by the City of Memphis and the appropriate response time for the Plaintiffs to that Motion.

Also discussed was the proposal to refer this matter to the Magistrate Judge for a Settlement Conference.

In addition, the Court found that, pending the Court's rulings on the various pending motions, no new trial date should be scheduled.

It is, therefore, ORDERED, ADJUDGED AND DECREED as follows:

The Plaintiffs shall be allowed to take the deposition of a 30(b)(6) representative of Shelby County and the depositions of City of Memphis police officers, Sgt. Acred and J. Jordan on or before May 30, 2005.

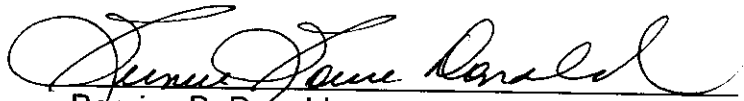
The Plaintiffs shall respond to the Motion for Summary Judgment filed by the City of Memphis on or before May 30, 2005.

This matter shall be referred to the Magistrate Judge for a Settlement Conference.

Upon receipt of this Court's ruling on its Motion to Reconsider the Court's Order of January 26, 2005 allowing the Third Amended Complaint, the Defendant SMG shall be free to apply to the Court for additional discovery and/or the identification of expert witnesses.

At this time, no new trial date is scheduled.

Entered this 29<sup>th</sup> day of April, 2005.

A handwritten signature in cursive script, appearing to read "Bernice B. Donald", written over a horizontal line.

Bernice B. Donald  
United States District Judge

Date: April 29, 2005



## Notice of Distribution

This notice confirms a copy of the document docketed as number 146 in case 2:03-CV-02135 was distributed by fax, mail, or direct printing on May 4, 2005 to the parties listed.

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Honorable Bernice Donald  
US DISTRICT COURT